

California Regional Water Quality Control Board
Santa Ana Region

August 26, 2005

ITEM NO. 5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal Use – Alfred Langston, 21948 Pinewood Court, Perris, Riverside County, APN 318-190-033

DISCUSSION:

On July 2, 2005, Alfred Langston contacted staff regarding a proposed second dwelling unit (mobile home) on his lot located at 21948 Pinewood Court, Perris. Mr. & Mrs. Langston reside in a 1-bedroom, 1-bath home (mobile home) at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the house. The gross size of the lot is slightly less than one acre (39,649 sq. ft or 0.91 acre net). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Mr. & Mrs. Langston propose to add a 2-bedroom 1.75-bath mobile home for their own use and convert their existing mobile home into a guesthouse. The Langston's also propose to connect the replacement home to the existing 1,000-gallon septic tank-subsurface disposal system for the discharge of sanitary wastes from both homes. The converted guesthouse (mobile home) will be utilized periodically by Mr. & Mrs. Langston's grandson. Riverside County Environmental Health requires that the kitchen fixture units be removed in order to convert the existing home into a guesthouse.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems in the groundwater of the Region.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was necessary to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSRs were adopted), and "new" developments. The Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989, or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments.

The Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. The MLSRs distinguish between the types of additions to existing dwelling units. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs. However, the MLSRs state that any proposal to add a freestanding structure that would result in additional wastewater flows must be considered a "new" development, subject to the MLSRs. The proposed guesthouse/mobile home at the Langston property would be a freestanding structure. As such, the project as a whole (the converted guesthouse and the new replacement dwelling) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies.

The intent of distinguishing between additions that are attached to existing dwellings and freestanding structures was to guard against the use of the freestanding structure as a second single-family residence on the property, which would result in substantial additional wastewater flows. Mr. & Mrs. Langston propose to convert an existing free standing home into a guest house for the use of their grandson. There will be no kitchen fixtures in the proposed guesthouse.

Mr. & Mrs. Langston's lot is slightly less than one acre in size (3,911 sq. ft short) and, therefore, staff was required to deny the request for a clearance for the project. Mr. Langston was advised of another option identified in the Board's exemption criteria, which allows project proponents to implement an acceptable offset. Mr. & Mrs. Langston could proceed with their proposed development if they connected another septic system (that would not otherwise be required to be connected to the sewer) to the sewer. Mr. Langston states that he has tried to pursue the offset program by locating homeowners who could eliminate their septic systems; however, he indicates that he has been unable to locate a potential homeowner with whom to enter into an agreement.

RECOMMENDATION:

Approve Mr. & Mrs. Langston' request for an exemption from the minimum lot size requirement specified in Resolution No. 89-157.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez/Marc Haraksin
Riverside County Building and Safety – Steve Dondalski
Riverside County Planning – Mark Balys